

1300 Eye Street N.W.  
Washington, DC 20005  
Telephone: 202.659.0100  
Facsimile: 202.659.0105  
www.novakdruce.com

**Novak Druce DeLuca  
& Quigg, LLP**

# Fax

RECEIVED  
CENTRAL FAX CENTER

JAN 27 2006

<b>To:</b>	<b>USPTO – Mail Stop Amendment</b>	<b>From:</b>	Jason D. Voight
<b>Fax:</b>	(571) 273-8300	<b>Pages:</b>	3
<b>Phone:</b>	(571) 272-1000	<b>Date:</b>	January 27, 2006
<b>Re:</b>		<b>cc:</b>	

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

• **Comments:**

In re Application of: **HÖSSEL et al.**

Serial No.: **09/771,595**

Filing Date: **January 30, 2001**

Attachments: **Reply to Notification of Non-Compliant Appeal Brief**

**CONFIDENTIALITY NOTICE:** This facsimile and any attachments contain information from the law firm of Novak Druce DeLuca & Quigg, LLP, which may be confidential and/or privileged. The information is intended to be for the use of the individual or entity named on this facsimile. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you receive this facsimile in error, please notify us by reply facsimile immediately so that we can arrange for the retrieval of the original documents at no cost to you.

RECEIVED  
CENTRAL FAX CENTER

JAN 27 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

ATTY. DOCKET: PF51186

OF: HÖSSEL ET AL.

CONFIRMATION No.: 8957

SERIAL No. 09/771,595

GROUP ART UNIT: 1616

FILED: JANUARY 30, 2001

EXAMINER: MARINA LAMM

FOR: COSMETIC OR DERMATOLOGICAL SUNSCREEN PREPARATIONS

I hereby certify that this correspondence is being  
facsimile transmitted on the date indicated below to  
Commissioner of Patents and Trademarks, Alexandria,  
Va 22313-1450, at: (571) 273-8300

Extension No.

or is being deposited with the United States Postal  
Service with sufficient postage as first class mail  
in an envelope addressed to Commissioner for Patents  
and Trademarks, Alexandria, Va 22313-1450,  
on:

Date of Transmission/Deposit

Person Making Transmission/Deposit

Signature

Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TONOTIFICATION OF NON-COMPLIANT APPEAL BRIEF (37 C.F.R. §41.37)

Sir:

In reply to the Notification of Non-Compliant Appeal Brief of  
January 18, 2006, it is respectfully requested that the following  
remarks be considered:

The Notification asserts that appellants' Appeal Brief is non-  
compliant because "The brief does not contain the items required un-  
der 35 CFR 41.37(c), or the items are not under the proper heading or  
in the proper order" adding as an explanation that the brief does not  
contain an Evidence Appendix and a Related Proceedings Appendix.

Serial No. 09/771,595

HÖSSEL et al.

PF 0000051186

It is respectfully noted that Appellants included in their Brief a Table of Contents inter alia indicating:<sup>1)</sup>

Evidence Appendix -none-

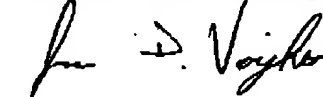
Related Proceedings Appendix -none-

In accordance with the U.S. PTO's explanations pertaining to the requirements of 37 C.F.R. §41.37 "a brief containing a Table of Contents indicating that no evidence appendix is part of the brief or that no related proceedings appendix is part of the brief would be acceptable under the Rule since it would clearly indicate that no evidence is relied upon by the appellant in the appeal or that no related proceedings having decisions rendered by a court or the Board exist."<sup>2)</sup> In light of the U.S. PTO's explanations, appellants' brief is deemed to fully comply with the provisions of 37 C.F.R. §41.37, and the Notification is deemed to have been issued in error. Early action is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,

NOVAK DRUCE DELUCA & QUIGG



Jason D. Voight

Reg. No. 42,205

1300 Eye Street, N.W.  
Suite 400 East Tower  
Washington, D.C. 20005  
(202) 659-0100

JDV/BAS

1) Cf. page 1 of appellants' Brief.

2) Cf. Federal Register Vol. 69, No 155, page 499978, paragraph preceding Comment 61.